

UNITED STATES DISTRICT COURT

for the
District of Oregon

FILED 01 MAY '19 11:58 USDC-ORP

In the Matter of the Search of

(Briefly describe the property to be searched
or identify the person by name and address)The premises located at 227 NE 137th Ave Portland, OR
97230

Case No. 1:19-MC-

'19-MC- 378

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

The premises located at 227 NE 137th Ave Portland, OR 97230, as described in Attachment A, which is attached and incorporated herein by this reference.

located in the _____ District of _____ Oregon _____, there is now concealed (identify the person or describe the property to be seized):

The information and items set forth in Attachment B, which is attached and incorporated herein by this reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. §§ 922(g)(2), 922(g)(3), 922(g)(5), and 922(n)	a prohibited person in possession of a firearm

The application is based on these facts:
See affidavit of HSI Special Agent Clinton Lindsly, which is attached and incorporated herein by this reference.

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Clinton Lindsly, Special Agent, HSI
Printed name and title

Sworn to before me and signed in my presence.

Date: 5/1/2019

City and state: Portland, Oregon


Judge's signature

Hon. Jolie A. Russo, United States Magistrate Judge
Printed name and title

DISTRICT OF OREGON, ss:

AFFIDAVIT OF CLINTON LINDSLY

**Affidavit in Support of an Application
Under Rule 41 for a Search Warrant**

I, Clinton Lindsly, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am an investigator or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), and am empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in 18 U.S.C. § 2516.

2. I have been employed as a Special Agent (SA) by Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI), since August of 2010. I am currently assigned to the ICE/HSI Office of the Assistant Special Agent in Charge, in Portland, Oregon narcotics unit. Previously, I was assigned to the ICE/HSI Office in Los Angeles, California, where I worked for over six years in a money laundering and narcotics group that specialized in undercover operations. My formal law enforcement training includes successfully completing the 23-week HSI basic training course at the Federal Law Enforcement Training Center in Glynco, Georgia. During the training, I learned how controlled substances are manufactured, consumed, packaged, marketed, and distributed. Since then, I have participated in dozens of drug investigations which utilized wiretaps, controlled purchase operations, physical surveillance, trash searches, electronic vehicle tracking, pole cameras, cars with hidden compartments used to transport drugs, buy / walks, buy / busts, cell phone geo-location techniques, cell-site simulators, undercover operations including narcotics and money laundering, informants, search warrants, interviews, arrests, and/or pen register/trap and trace orders. I have interviewed and managed informants in drug cases, prepared and executed search warrants, arrested and interviewed suspects, conducted physical

surveillance, and operated/utilized electronic and video surveillance during my drug investigations. I have also worked with and consulted numerous agents and law enforcement officers who have investigated drug trafficking. In 2011, I was cross-designated with United States Code Title 21 Authority by the U.S. Drug Enforcement Administration to investigate narcotics cases. My most recent Title 21 authority update was on September 14, 2018.

3. I have participated in many aspects of drug investigations. I am familiar with narcotics traffickers' methods of operation, including the manufacture, storage, transportation, and distribution of narcotics, the collection of money that represents the proceeds of narcotics trafficking, and money laundering. I am also familiar as to the manner in which narcotics traffickers transport and distribute narcotics in areas they control. I am familiar with how drug traffickers utilize counter-surveillance techniques to avoid detection by law enforcement. Additionally, I have also been involved in investigations involving wiretaps as part of federal investigations into narcotics trafficking. During these investigations, I have also become familiar with how drug traffickers purchase, transport, and smuggle firearms from the United States to Mexico for other cartel members. Often, the drug traffickers in the United States are prohibited by law from purchasing firearms for various reasons, including prior felony convictions, being illegal aliens, or being addicted to or users of controlled substances. As such, these drug traffickers buy firearms on the black market or enlist "straw" purchasers to buy the firearms and then sell them to the drug traffickers for agreed upon prices. I also know that people that possess firearms generally keep them where they live or reside, so that the firearm is easily accessible. I also know that drug traffickers arm themselves to protect themselves from other drug traffickers or law enforcement and keep the firearms where they reside and elsewhere.

I also know that it is common for persons who possess firearms and/or drug traffickers to keep a firearm on their person or in their vehicle for ease of access.

4. I submit this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises located at 227 NE 137th Ave Portland, OR 97230 (“**Subject Premise**”), as described in Attachment A, for evidence, contraband, fruits, and instrumentalities of violations of the federal criminal statutes involving being a prohibited person in possession of a firearm involved in interstate commerce, in violation of 18 U.S.C. §§ 922(g)(2), 922(g)(3), 922(g)(5), and from receiving a firearm pursuant to 18 U.S.C. § 922(n). As set forth below, I have probable cause to believe that such property and items, as described in Attachment B, are currently located at **Subject Premise**.

5. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, a review of records related to this investigation, and information gained through my training and experience.

Applicable Law

6. Title 18 U.S. Code § 922(g)(2), provides that it is unlawful for any person who is a fugitive from justice to possess any firearm or ammunition or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

7. Title 18 U.S. Code § 922(g)(3), provides that it is unlawful for any person who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) to possess any firearm or ammunition or to receive

any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

8. Title 18 U.S. Code § 922(g)(5), provides that it is unlawful for any person who is an alien who is illegally or unlawfully present in the United States to possess any firearm or ammunition or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

9. Title 18 U.S. Code § 922(n), provides that it shall be unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

Statement of Probable Cause

A. Gresham Police Department Arrest Marina MALDONADO with Methamphetamine and Identify Eduardo MARTINEZ Perez on Social Media

10. Recently, I learned that on November 2, 2018, Gresham Police Department (GPD) conducted an investigation which resulted in the ultimate arrest of a drug trafficker identified as Marina MALDONADO. During a search of Marina MALDONADO's purse, Investigators seized approximately 500 grams of methamphetamine. To my knowledge, no formal charges have been filed against MALDONADO pursuant to the above arrest.

11. After MALDONADO's arrest, GPD Detective Michael Webb continued to investigate MALDONADO via social media applications, including Facebook. Detective Webb identified MALDONADO's Facebook page under the name "Marina Martinez" (<https://www.facebook.com/profile.php?id=100009162276986>). MALDONADO's Facebook page is "open" to the public and does not require any privileges to see or review the content MALDONADO has posted to her Facebook page. In reviewing MALDONADO's Facebook

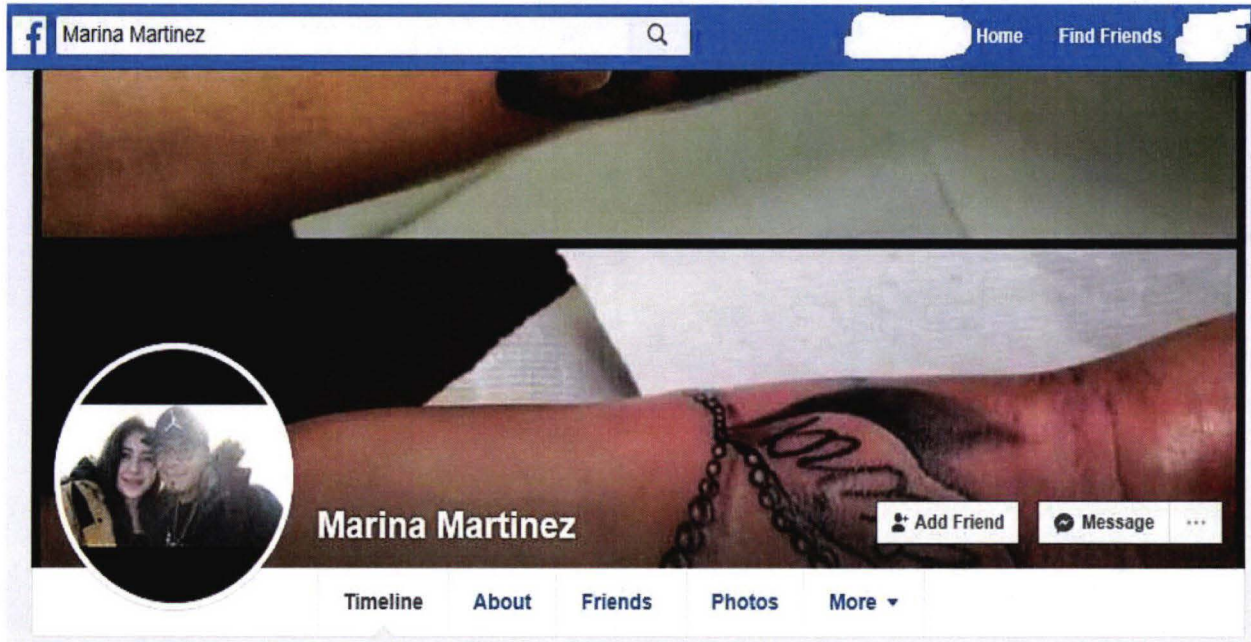
page over the last several months, Detective Webb has become familiar with several acquaintances of MALDONADO including Eduardo MARTINEZ Perez, who is now using a Facebook account named "Negus TJ" (<https://www.facebook.com/negus.zeck.1>).

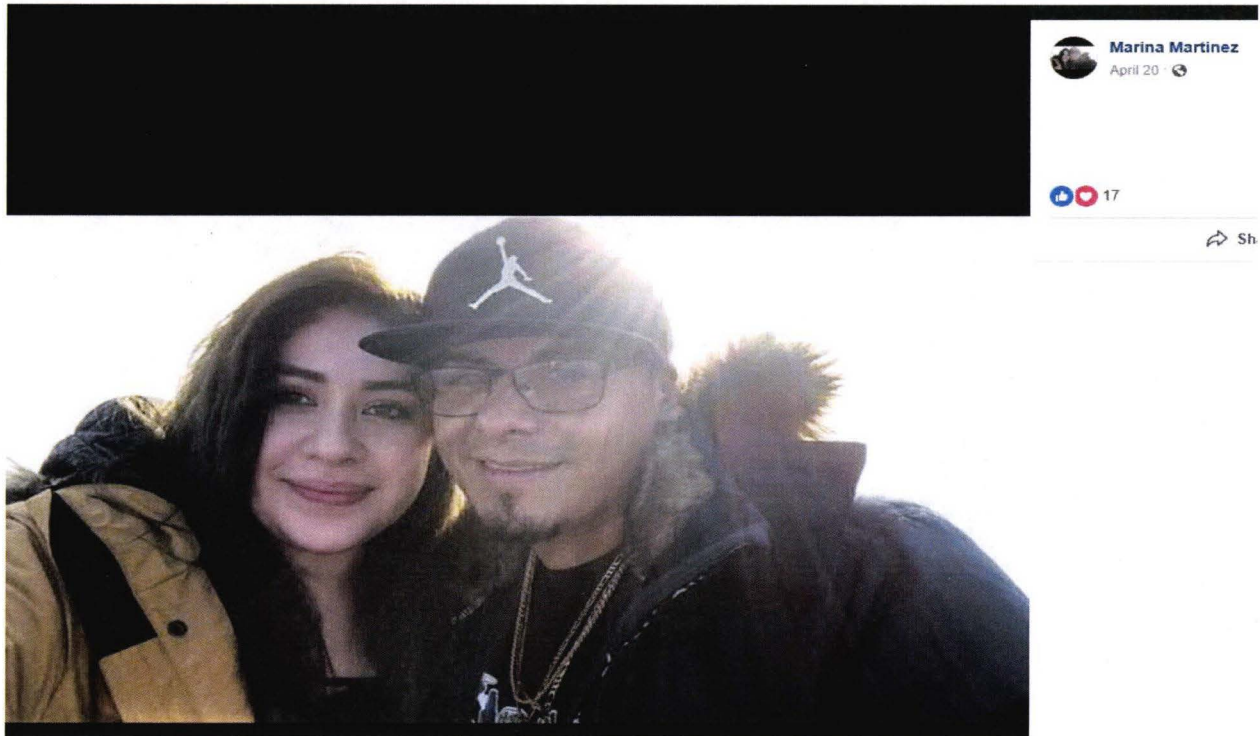
MARTINEZ's Facebook page is "open" to the public and does not require any privileges to see or review the content MARTINEZ has posted to his Facebook page. Detective Webb believes that MALDONADO and MARTINEZ are romantically involved based off his review of their Facebook pages.

12. In speaking with Detective Webb, I learned MARTINEZ has had prior law enforcement contact. Based on my review of MARTINEZ's prior arrest records, I know that that MARTINEZ was arrested by Portland Police Bureau on August 5, 2018, for the unlawful possession and delivery of heroin (a felony offense). Pursuant to this arrest, MARTINEZ was indicted for unlawful possession and delivery of heroin (a felony) and has an active state arrest warrant under the district attorney case number 18-CR-51929. MARTINEZ is currently a fugitive from justice. Also, during a review of MARTINEZ's background and immigration records, I learned that it appears MARTINEZ is unlawfully present in the United States and is an illegal alien. I formed this conclusion from several things including his own self declaration, during the above arrest, that he was born in Mexico; that MARTINEZ has no identifiable alien file number (which aliens are assigned when legally applying for status or from contact with an immigration officer); that he has no Oregon Driver License; and, my own review of immigration databases, which resulted in no findings that he lawfully applied for or received permission to enter and remain in the United States. Based off these findings, I know that MARTINEZ is prohibited by federal law from possessing a firearm pursuant to 18 U.S.C. §§ 922(g)(2), 922(g)(5), and from receiving a firearm pursuant to 18 U.S.C. § 922(n).

B. Review of MARTINEZ's Facebook Page Depicts MARTINEZ Possessing and Discharging Firearms

13. In April 2019, I conducted a search for the Facebook name "Marina Maldonado" as described by Detective Webb. The search resulted in one exact profile return with the Facebook link <https://www.facebook.com/profile.php?id=100009162276986>, as follows:





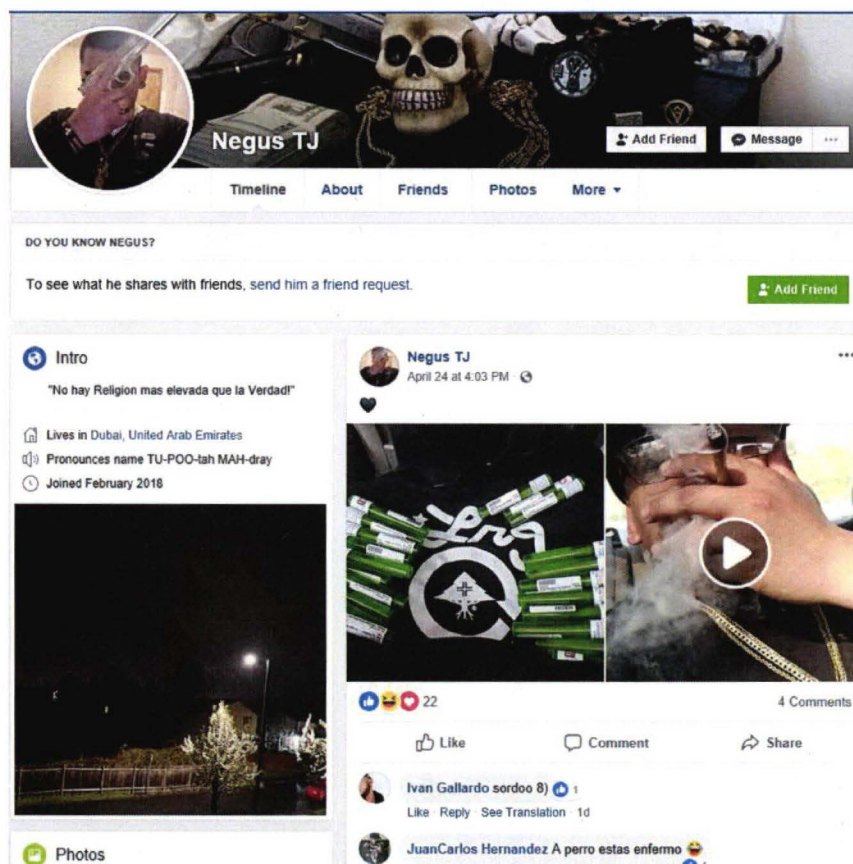
MALDONADO's
DL Photograph

MARTINEZ's
Booking Photo



14. Based off my review of MALDONADO's Oregon Driver License photograph (OR DL #A541015) and MARTINEZ's arrest photograph from the above described arrest, I recognized the individuals depicted on MALDONADO's Facebook page as MALDONADO and MARTINEZ.

15. I then conducted a search for the Facebook name “Negus TJ,” as described by Detective Webb. The search resulted in one exact profile return with the Facebook link <https://www.facebook.com/negus.zeck.1>. An image of the profile page is as follows:



16. I then conducted a review of the photographs attached to the profile “Negus TJ.” A review of the photographs and videos displayed a Hispanic male, that I recognized as

MARTINEZ, possessing various guns (posted as recently as April 28, 2019), shooting guns (posted on March 27, 2019), claiming to use “acid,” or lysergic acid diethylamide, which is a Schedule I controlled substance (posted on April 7, 2019), and a video of MARTINEZ smoking what I believe to be Marijuana, a Schedule I controlled substance (posted on April 24, 2019).

These images are displayed below:



Label reads “THC,” or Tetrahydrocannabinols, which is a Schedule I Controlled Substance.



MARTINEZ Smoking Marijuana believed to be from the green tubes displayed above.

A drug I recognize as "acid," or lysergic acid diethylamide (LSD), which is a Schedule I Controlled Substance.



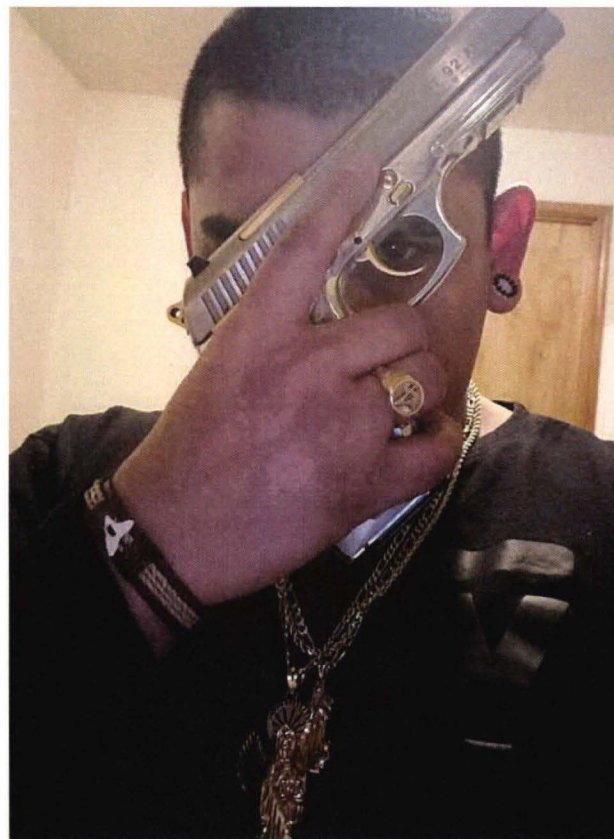
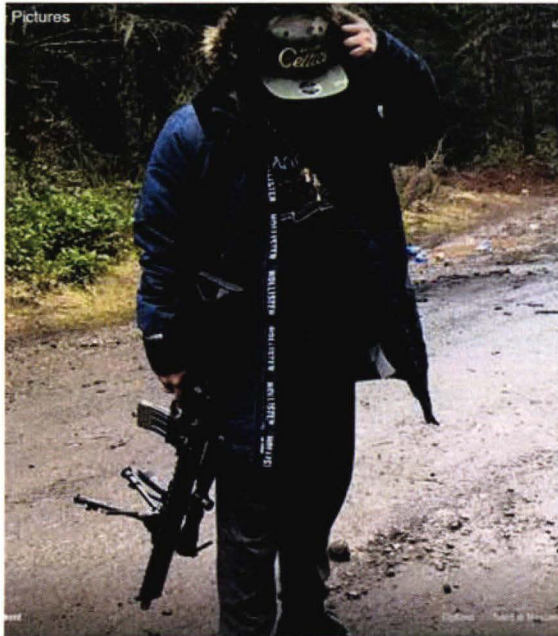
What I recognize to be the common method of using LSD.

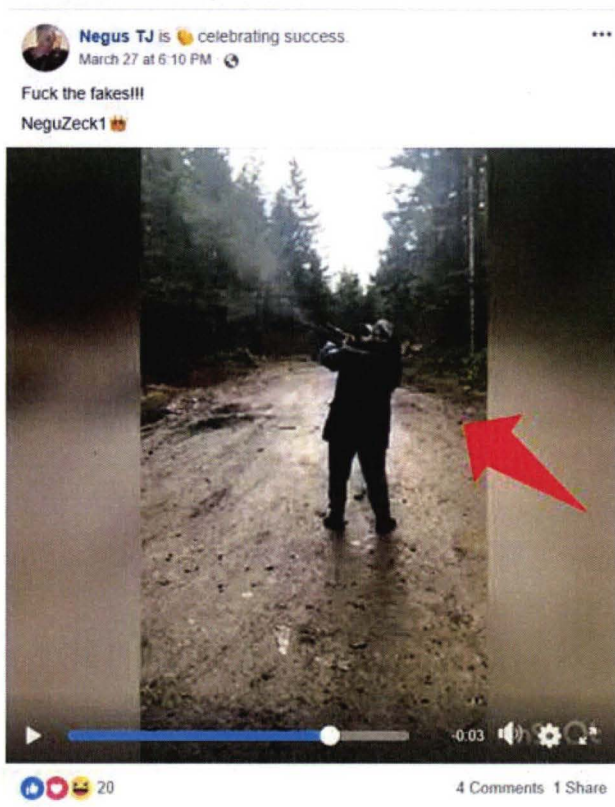
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MARTINEZ Possessing What I believe to be Genuine Firearms:





A 15 second video depicting MARTINEZ discharging a rifle with shell casings clearly seen discharging from firearm.

17. In reviewing all the photographs under MARTINEZ's Facebook account (Negus TJ), I identified that the person in the photograph was MARTINEZ in several ways. First, in the photograph on MALDONADO's Facebook page, MARTINEZ was wearing a blue puffy jacket with a fur lined hood, a black colored t-shirt with a unique picture / print, and two large gold

chains with the pendants unable to be seen. Below is a side by side comparison of that photograph with an image of a Hispanic male holding / shooting a large rifle on the Facebook account “Negus TJ” wearing the same blue puffy jacket with a fur lined hood, a black colored t-shirt with a unique picture / print, and two large gold chains:

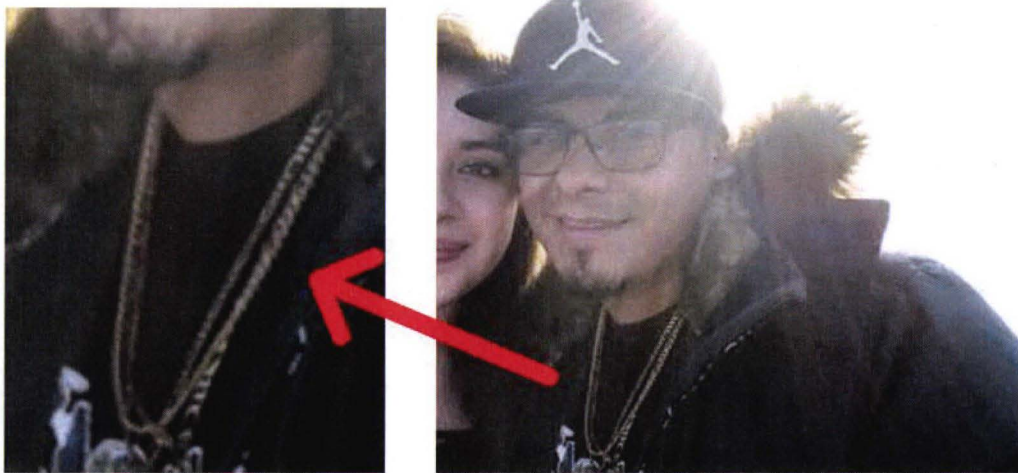


18. Below is a side-by-side comparison of the same photograph from MALDONADO’s Facebook page depicting MARTINEZ and another image obtained from the Facebook account “Negus TJ” depicting MARTINEZ smoking what I believe to be marijuana:

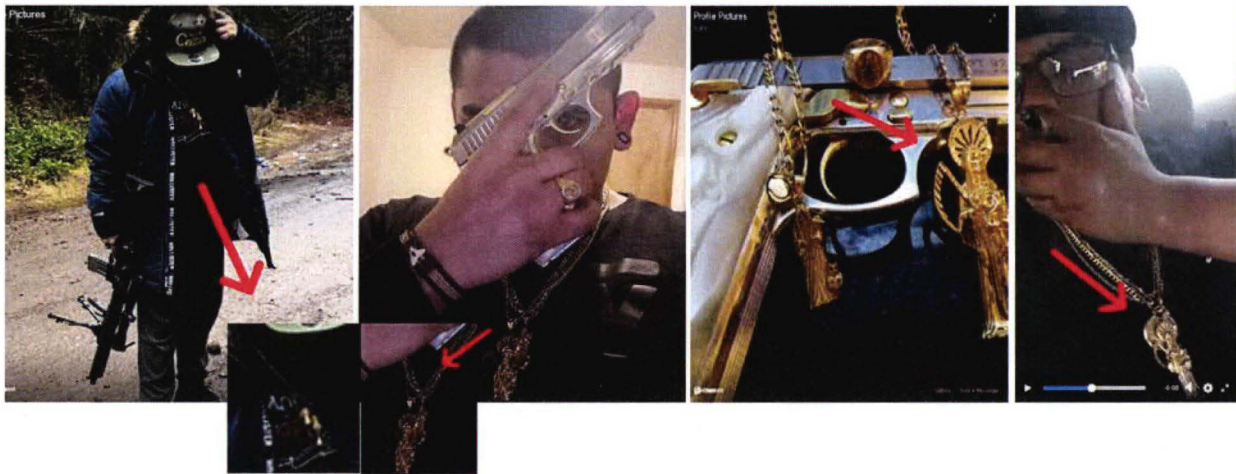


19. Below is a side-by-side comparison of same photograph from MALDONADO's Facebook page depicting MARTINEZ, and several photographs from the Facebook account "Negus TJ." These images are zoomed in to highlight the same gold "Santa Muerte" gold chains:

Photograph from MALDONADO's Facebook page depicting
MALDONADO and MARTINEZ.



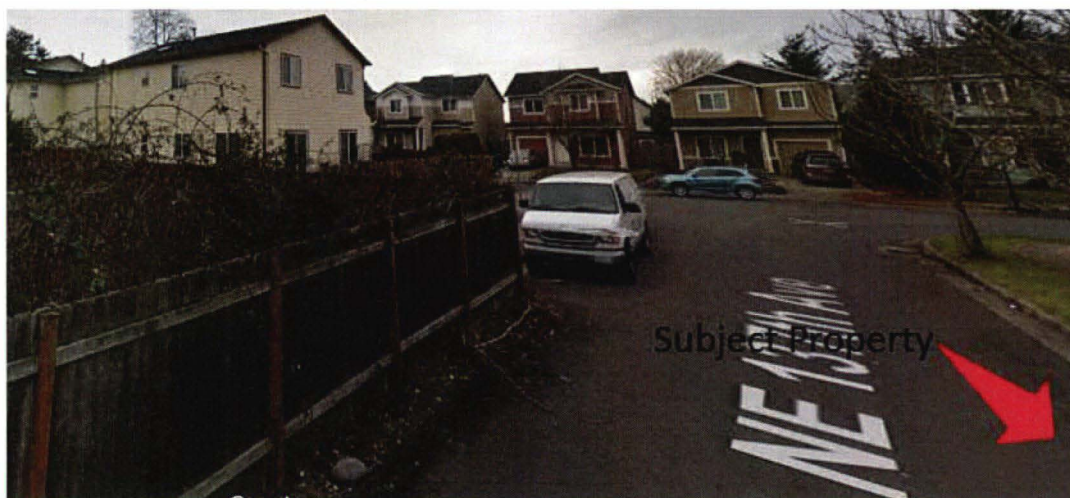
Photographs from MARTINEZ's Facebook Account "Negus TJ."



20. In reviewing the photographs attached to the Facebook account "Negus TJ," which belongs to MARTINEZ, I located a photograph that was posted on April 5, 2019, which depicted an individual, believed to be MARTINEZ, holding a "blunt" or cigarette looking out of a second story window facing a street. I then showed the image to Detective Webb, who recognized the residence of where the photograph was taken as 227 NE 137th Ave Portland, OR 97230 (**Subject Premise**). Below is the image from MARTINEZ's Facebook page (Negus TJ) alongside several photographs of the **Subject Premise**:



Google Street View:



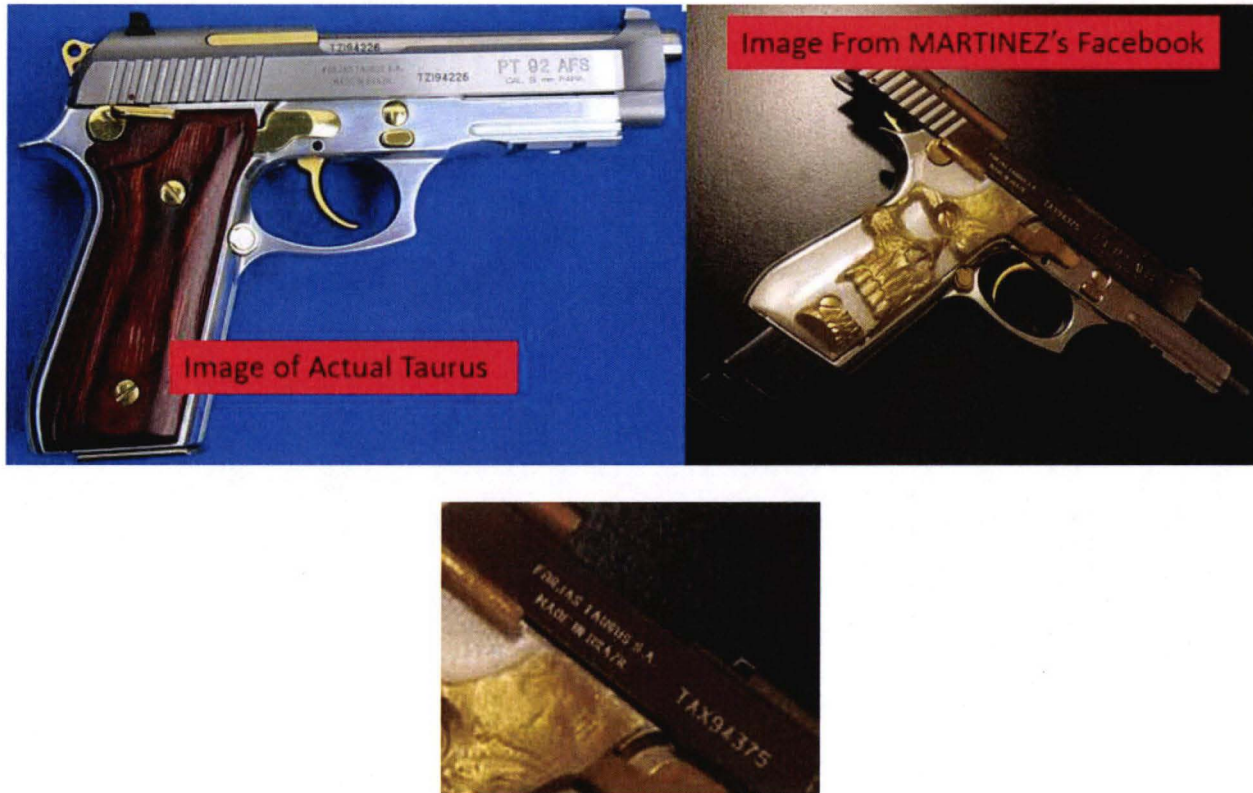
Photograph Taken by Detective Webb:



21. On April 25, 2019, Detective Webb conducted surveillance of at the **Subject Premise**.

22. At approximately 2:00 p.m., Detective Webb, who is familiar with MARTINEZ, observed MARTINEZ exit the **Subject Premise** from the front door, get into a car, and drive away.

23. In reviewing the photographs from MARTINEZ's Facebook page, I recognized one of the firearms as a Taurus Model PT92AFS, which is made in Brazil. Based off the fact that I know this specific model of Taurus handgun is manufactured in Brazil, I know that the firearm has traveled in interstate and foreign commerce prior to arriving here in the District of Oregon. Also, the images on MARTINEZ's Facebook page were in high-definition. Specifically, the picture depicted below of the Taurus Model PT92AFS, as displayed on MARTINEZ's Facebook page, the etching "Made in Brazil" is clearly legible with serial #TAX94375." Images of these two firearms are side-by-side below:



24. On April 30, 2019, I again reviewed MARTINEZ's Facebook page under the handle "Negus TJ." During a review of new photographs, I identified a new photograph posting dated April 28, 2019, which displayed what I believe to be Marijuana and a handgun, consistent with a Springfield XD-S Essential 9mm 3.3 FDE handgun. I know based off my research and review of this model of Springfield, that it is manufactured in Karlovac, Croatia by HS Produkt. As such, I know that the firearm has traveled in interstate and foreign commerce prior to arriving here in the District of Oregon:





Actual Image of Springfield XD-S Essential 9mm 3.3 FDE Handgun Image From MARTINEZ's Facebook Page

Conclusion

25. Based off the above facts, I believe that MARTINEZ is prohibited by federal law from possessing a firearm pursuant to 18 U.S.C. §§ 922(g)(2), 922(g)(3), 922(g)(5), and 922(n) and violated such offenses. I also believe that the photographs showing MARTINEZ, as recently as April 20, 2019, were taken inside the **Subject Premise**. This was further confirmed during surveillance when Detective Webb observed MARTINEZ exit the front door of the **Subject Premise** as recently as April 25, 2019. As such, I believe that the silver- and gold-plated Taurus Model PT92AFS with serial #TAX94375, an unknown quantity and unknown manufacturer of other assault rifles with unknown serial numbers, as depicted in the photographs and video, a black and tan Springfield XD-S Essential 9mm 3.3 FDE Handgun with an unknown serial number, and unknown quantities of ammunition are also located at the **Subject Premise**. I believe that the **Subject Premise**, more completely described in Attachment A, contain evidence, contraband, fruits, and instrumentalities of violations of the federal criminal statutes

involving being a prohibited person in possession of a firearm involved in interstate commerce, in violation of 18 U.S.C. §§ 922(g)(2), 922(g)(3), 922(g)(5), and from receiving a firearm pursuant to 18 U.S.C. § 922(n), as described above and in Attachment B. I therefore request that the Court issue a warrant authorizing a search of the **Subject Premise** described in Attachment A for the items listed in Attachment B and the seizure of any such items found.

26. Any cell phone and/or digital device seized during the execution of this search warrant will not searched. An additional search warrant will be obtained in order to search any cell phone and/or digital device obtained from the execution of this warrant.

27. Prior to being submitted to the Court, this affidavit, the accompanying application, and the requested search warrant were all reviewed by Assistant United States Attorney (“AUSA”) Scott Kerin and AUSA Kerin advised me that, in his opinion, the affidavit and application are legally and factually sufficient to establish probable cause to support the issuance of the requested warrant.



Clinton Lindsly
Special Agent
Homeland Security Investigations

Subscribed and sworn to before me this 1 day of May 2018. *19 JR*



Honorable Jolie A. Russo
United States Magistrate Judge

ATTACHMENT A

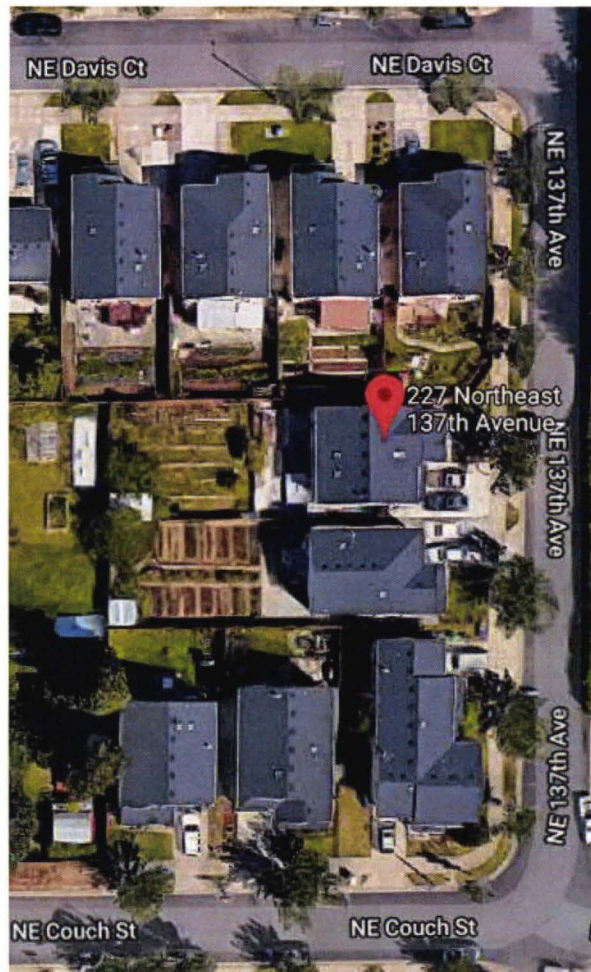
Property to Be Searched

The property to be searched is as follows:

Subject Premise: Includes a two-story detached residence, any detached dwellings / sheds, or vehicle(s) parked on the curtilage located at 227 NE 137th Ave Portland, OR 97230.

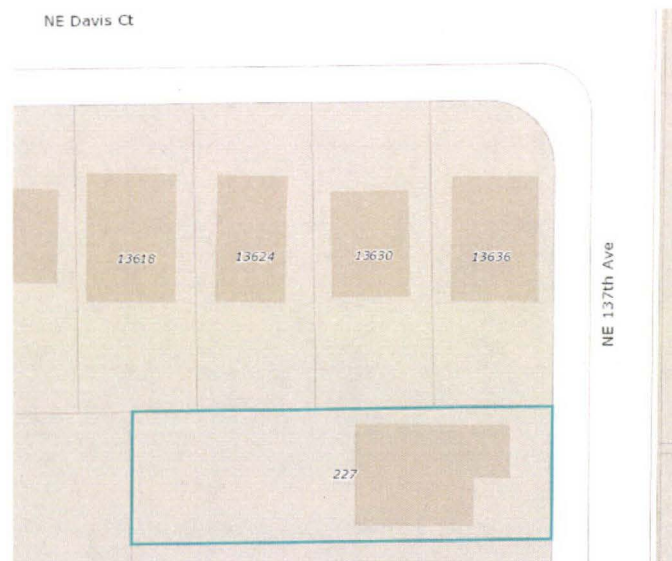
The property is described as a two-story residence with beige siding, white trim, a red door, and a black roof. The residence is located on the west side of 137th Avenue and faces east.

The driveway runs west to east and the backyard is surrounded by a fence. The garage door is beige in color and the numbers “227” are located north of the garage on support post for the porch as seen below:





According to the Multnomah County website, the **Subject Premise** has a legal description of “HANSEN ESTATES, LOT 19” and has the following property lines:



ATTACHMENT B

Items to Be Searched for and Seized

The items to be searched for, seized, and examined, are those items located at the **Subject Premise**, located at 227 NE 137th Ave Portland, OR 97230, and referenced in Attachment A, that contains evidence, contraband, fruits, and instrumentalities of violations of the federal criminal statutes involving being a prohibited person in possession of a firearm involved in interstate commerce, in violation of 18 U.S.C. §§ 922(g)(2), 922(g)(3), 922(g)(5), and from receiving a firearm pursuant to 18 U.S.C. § 922(n). As MARTINEZ is prohibited by federal law to legally possess or own firearms, all documents during any time indicating the purchase, sale, trade, etc. of firearms or ammunition are subject to be searched and seized.

1. The items referenced above to be searched for and seized are as follows:

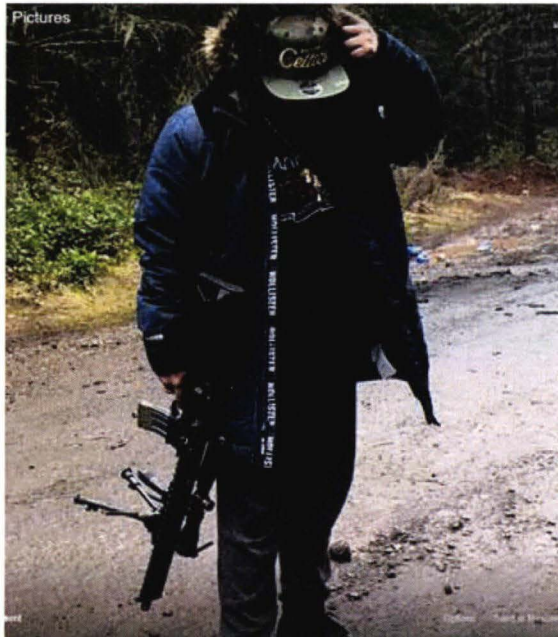
a. The following firearms and their ammunition as depicted below or involved in interstate or foreign commerce:

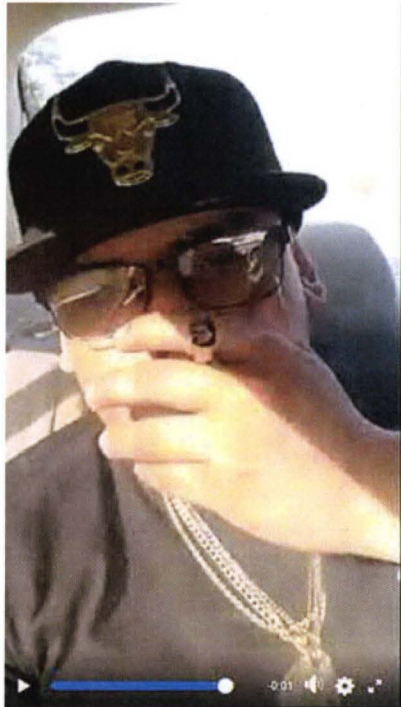
- i. a silver- and gold-plated Taurus Model PT92AFS with serial #TAX94375;
- ii. the assault style rifles, with unknown serial numbers, as depicted in the photographs below; and,
- iii. a black and tan Springfield XD-S Essential 9mm 3.3 FDE Handgun with an unknown serial number;



b. The Santa Muerte gold chains, a black and white watch, a skull crystal ball, a yellow skull shaped glass bong, a black blanket with marijuana leaves, a black hat with a Bulls logo, a black LRG (Lifted Research Group) hoodie, a black LRG sports jersey shirt with V-neck, a long blue jacket with fur lined hood, a camo colored hat with gold lettering, a gold ring displaying the Free Masons logo, a red bracelet with straw weaving in the center, and a black hat with a white “Air Jordan” logo as depicted in the images on MARTINEZ’s Facebook page and identified below;







- c. Any and all safes that could be used to safeguard or store the firearm(s) and/or ammunition sought;
- c. Items of personal property that tend to identify the person(s) in residence, occupancy, control, or ownership of the premises, including but not limited to canceled mail, deeds, leases, rental agreements, photographs, personal telephone books, diaries, utility and telephone bills, statements, identification documents, and keys;
- d. Documents indicating the purchase or transfer of firearms such as receipts;
- e. Cellular telephones, computers and other electronic devices capable of storing data that constitutes evidence or the instrumentality of purchasing, obtaining or possessing firearms;
- f. Any and all vehicles located on the curtilage or inside the property and any storage boxes, containers, safes, or items located inside the vehicles that could contain the evidence sought pursuant to this warrant;

g. Any equipment used to manufacture ammunition such as a bullet press, gun powder, casings, etc.;

h. Any magazines, scopes, lasers, bump stocks, slings, or any firearm accessory, even if not attached to a firearm, that could be reasonably used to augment a firearm;

i. All ammunition that could be used in the above described firearm(s);

j. Marijuana containers, as depicted below; and,



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k. Lysergic Acid Diethylamide (LSD), as depicted below.

A drug I recognize as
“acid,” or lysergic acid
diethylamide (LSD),
which is a Schedule I
Controlled Substance.



What I recognize to b
the common method
of using LSD.

2. As used in this attachment, the terms “records” and “information” include all of the foregoing items of evidence in whatever form and by whatever means they may have been created or stored, including any form of computer or electronic storage (such as flash memory or other media that can store data) and any photographic form. The term “computer” includes all types of electronic, magnetic, optical, electrochemical, or other high-speed data processing devices performing logical, arithmetic, or storage functions, including desktop computers, notebook computers, mobile phones, tablets, server computers, and network hardware. The term “storage medium” includes any physical object upon which computer data can be recorded. Examples include hard disks, RAM, floppy disks, flash memory, CD-ROMs, and other magnetic or optical media. This request includes authority to seize any Computers, storage medium, or other electronic device. If found and seized, request for search authority of such items will be requested separately.

3. For any computer or storage medium whose seizure is otherwise authorized by
Attachment B

this warrant and any computer, storage medium, or digital device that contains or in which is stored records or information that is otherwise called for by this warrant (hereinafter “Computer”):

- a. Evidence of who used, owned, or controlled the Computer at the time the things described in this warrant were created, edited, or deleted, such as logs, registry entries, configuration files, saved usernames and passwords, documents, browsing history, user profiles, email, email contacts, “chat,” instant messaging logs, photographs, and correspondence;
- b. Evidence of software that would allow others to control the Computer, such as viruses, Trojan horses, and other forms of malicious software, as well as evidence of the presence or absence of security software designed to detect malicious software;
- c. Evidence of the lack of such malicious software;
- d. Evidence indicating how and when the Computer was accessed or used to determine the chronological context of computer access, use, and events relating to the crime under investigation and to the Computer user;
- e. Evidence indicating the Computer user’s state of mind as it relates to the crime under investigation;
- f. Evidence of the attachment to the Computer of other storage devices or similar containers for electronic evidence;
- g. Evidence of counter-forensic programs (and associated data) that are designed to eliminate data from the Computer;
- h. Evidence of the times the Computer was used;

- i. Passwords, encryption keys, and other access devices that may be necessary to access the Computer;
- j. Documentation and manuals that may be necessary to access the Computer or to conduct a forensic examination of the Computer;
- k. Records of or information about Internet Protocol addresses used by the Computer;
- l. Records of or information about the Computer's Internet activity, including firewall logs, caches, browser history and cookies, "bookmarked" or "favorite" web pages, search terms that the user entered into any Internet search engine, and records of user-typed web addresses;
- m. Contextual information necessary to understand the evidence described in this attachment; and
- n. Routers, modems, and network equipment used to connect computers to the Internet.